

**Amendment No. 2 to HB1278**

**Wirgau  
Signature of Sponsor**

**AMEND Senate Bill No. 1288**

**House Bill No. 1278\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 5-5-102(c), is amended by deleting subdivision (3).

SECTION 2. Tennessee Code Annotated, Section 12-4-101(c)(2), is amended by adding the following language at the end of the subdivision:

In the event a member of a local governing body of a county or a municipality is not allowed to vote on a matter pursuant to this subdivision (c)(2), such member shall not be counted for the purpose of determining a majority vote.

SECTION 3. Tennessee Code Annotated, Section 12-4-101, is amended by adding the following new subdivision to subsection (c):

(4)

(A) Notwithstanding this section, effective July 1, 2015, any member of a local governing body of a county or a municipality who is also an employee of the county or municipality, or whose immediate family is an employee of the county or municipality, shall, regardless of when the member's employment began, not vote on matters in which the member, or the member's immediate family, has a conflict of interest.

(B) In the event a member of a local governing body of a county or a municipality is not allowed to vote on a matter pursuant to subdivision (c)(4)(A), such member shall not be counted for the purpose of determining a majority vote.

(C) As used in this subdivision (c)(4), "immediate family" means a spouse, child, stepchild, brother, sister, son-in-law, daughter-in-law, or parent.

**Local Government Committee 2**

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(D) This subdivision (c)(4) shall apply only in a county or municipality upon the adoption of a resolution or ordinance by a two-thirds (2/3) vote of the county or municipal governing body. Any such county or municipal governing body that has opted in to this subdivision (c)(4) may, at a later date, opt out upon adoption of a resolution or ordinance by a two-thirds (2/3) vote of the county or municipal legislative body.

SECTION 4. Tennessee Code Annotated, Section 12-4-101(c)(3)(B)(i), is amended by deleting the language “body of a municipality who” and substituting instead the language “body of a county or a municipality who”.

SECTION 5. This act shall take effect July 1, 2015, the public welfare requiring it.